

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROY FRANKLIN SMITH, JR. §
VS. § CIVIL ACTION NO. 1:10cv613
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Roy Franklin Smith, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner states he was previously convicted of aggravated assault in the 4th District Court of Rusk County, Texas. He was sentenced to 30 years imprisonment.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated.

Petitioner was convicted in Rusk County, Texas.

Pursuant to 28 U.S.C. § 124, Rusk County is in the Eastern District of Texas. However, Rusk County is located in the Tyler Division, rather than the Beaumont Division of this court.

As all records and witnesses involving this action may be located in the Tyler Division of this court, the court is of the opinion that the transfer of this action to such division would further justice.

Accordingly, this case should be transferred to the Tyler Division of this court. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 27 day of October, 2010.

Keith F. Giblin
KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE